

COMMUNITY AFFAIRS

DIVISION OF COMMUNITY RESOURCES

Volunteer Coaches' Safety Orientation and Training Skills Programs

Proposed Readoption: N.J.A.C. 5:52

Authorized By: Susan Bass Levin, Commissioner, Department of Community
Affairs.

Authority: N.J.S.A. 2A:62A-6(e); Reorganization Plan No. 002-1994.

Proposal Number: PRN 2005-

Calendar: Reference: See Summary below for explanation of exception to calendar
requirement..

Submit written comments by April 21, 2005 to:

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SUSAN BASS LEVIN, Commissioner

The agency proposal follows.

Summary

Pursuant to N.J.S.A. 52:14B-5.1, N.J.A.C. 5:52, the rules concerning volunteer coaches' safety orientation and training skills programs, is scheduled to expire on September 20, 2005. The Department of Community Affairs has reviewed these rules and finds that they continue to be necessary for the purpose for which they were promulgated and is therefore proposing that they be readopted without change.

These rules were adopted in order to provide minimum standards for safety orientation and training programs for volunteer coaches, managers and officials so that these volunteers would have the benefit of the civil immunity provided by P.L. 1988, c.87 (N.J.S.A. 2A:62A-6 et seq.) to coaches, managers and officials who have successfully completed a program meeting these standards. Programs for volunteer coaches are required to cover medical, legal and first aid aspects of coaching, training and conditioning of athletes, psychological aspects of coaching and general coaching concepts. Programs for volunteer athletic officials are required to cover general officiating concepts.

As the Department has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The rules proposed for readoption are intended to assure the adequacy of training programs and to provide a basis for volunteer coaches, managers and officials to have the

benefit of statutory civil immunity upon completion of such programs. Without this immunity, the prospect of personal liability in the event of any accident during the course of an athletic event is likely to deter people from volunteering, thereby making it more difficult to organize athletic programs.

Economic Impact

Failure to readopt these rules would impose a serious potential economic liability upon individuals who might volunteer to serve as athletic coaches, managers or officials. Readoption would have a positive economic impact upon those who complete training programs that meet these standards, since they would be relieved of potential tort liability in connection with their volunteer activities.

While programs that comply with the standards may be expected to have the positive effect of reducing the frequency and extent of sports-related injuries, they may have a negative impact upon those who are injured by limiting their ability to recover damages. The economic impact upon local recreation departments, nonprofit organizations and national or State sports training organizations will vary depending on the size and nature of their programs and their funding sources. The cost per training program participant is not likely to exceed \$50.00, and may well be less. This cost may be borne by either the individual or the sponsoring organization.

Federal Standards Statement

No Federal standards analysis is required because these rules are not being proposed for readoption under the authority of, or in order to implement, comply with or

participate in any program established under, Federal law or a State law that incorporates or refers to Federal law, standards or requirements.

Jobs Impact

The rules proposed for readoption facilitate the creation of jobs for persons who are competent to offer the required training.

Agricultural Industry Impact

The Department does not anticipate any impact upon the agricultural industry as a result of the readoption of this chapter.

Regulatory Flexibility Statement

The rules proposed for readoption affect municipal recreation departments, nonprofit organizations and national and State sports training organizations that offer programs for volunteer coaches, managers and/or officials. There are currently two major agencies that offer coaching clinics in New Jersey. They are the National Youth Sports Coaches Association of New Jersey (NYSCA) and the Rutgers Youth Sports Council. Other major certifying entities are the Valley Hospital Sports Medicine Program and the American Coaching Effectiveness Program. NYSCA has certified over 120,000 individuals, while Rutgers has certified over 100,000. The Department does not believe that any of these entities would qualify as a "small business," as defined in the New Jersey Regulatory Flexibility Act, N.J.S.A.52:14B-16 et seq. However, some municipal recreation departments and nonprofit sports leagues also offer their own

courses, and these sports leagues might, under a broad interpretation of the definition used in the New Jersey Regulatory Flexibility Act, be deemed to be "small businesses."

Since N.J.S.A. 2A:62A06 et seq. grants civil immunity only to those volunteers who have had the required training, no lesser degree of training can provide that immunity, regardless of the size or form of organization of the training entity. However, each training entity can provide the training at such time and place, and with such personnel, as it deems appropriate. The training entity, regardless of size or form of organization, is required to issue a certificate to each person who completes the program, so it must keep sufficient records to determine the status of each participant. Similarly, it must comply with the stated requirements as to courses and the topics to be covered in each course. There are no other compliance, reporting or recordkeeping requirements. If may or may not be necessary, depending on the personnel available within the organization, to contract with outside professionals to teach the courses.

Smart Growth Impact

The rules proposed for readoption do not have any impact on attainment of smart growth or the implementation of the State Development and Redevelopment Plan.

Full text of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 5:52.